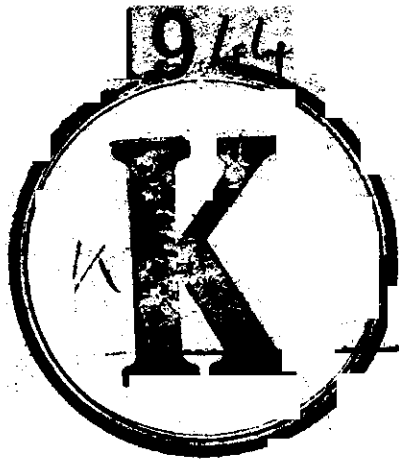




File No. Dist. Police 11/44

Legal Department

3 BRANCH

Subject:— Rules and Notifications
under the Bombay District
Police Act, 1890

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page
1944

File No. District notice 11/44

Office of the R.L.A.

The proposal is to appoint the officer of and above the rank of Assistant Inspectors in the Explosives and Drugs Control Department in the Presidency of Bombay as additional police officers under section 22A of the Bombay District Police Act, 1890 and section 9 of the City of Bombay Police Act, 1902 in order to enable these officers to exercise all the powers conferred by the Code of Criminal Procedure 1898, upon an officer in charge of a police station for the investigation of a cognisable offence.

2. Section 22A of the Bombay District Police Act, 1890 and section 9 of the City of Bombay Police Act, 1902 are more or less identical in terms. They provide that the Provincial Government may appoint, for such time and on such pay, and of such rank or grade, as it shall think fit, additional police officers to enforce any of the provisions of the Act or any other Act in respect of any particular class or classes of offences,--

(a) on the application of any person, at the charge of such person, or

(b) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely impede traffic or attract a large concourse of people, is being carried on.

Every additional officer so appointed shall, on appointment receive a certificate in the prescribed form, be vested with all or such of the powers, privileges and duties of a police officer as are specially mentioned in the certificate and be subject to the orders of the District Superintendent of Police or the Commissioner of Police, as the case may be.

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3. It is clear from these provisions that the power of Government to appoint additional police officers is circumscribed. Additional police officers ~~can~~ only be appointed on the application of any person and at the charge of such person or without such application, at the charge of any person for whose ^{co. benefit-} profit any large work or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on. None of these ~~sanitary~~ conditions precedent are present in the case under consideration and it would appear to be against the spirit of these provisions to resort to them for appointing excise officers as additional police officers. It would have been possible for Government to appoint excise officer as police officers ^{had} and there been any provision in the two police Acts corresponding to the second para. of section 6 of the Bombay Abkari Act, 1878.

4. The Drugs Control Order, 1943, is made under rule 81(2) of the D. of I Rules. It seems that in pursuance of the provisions of clause (f) of sub-rule (2) of rule 81 the power of investigation etc. could be conferred by the Central Government upon excise officers by making suitable provision in the Order itself.

Sd/- P.N. Moos.
20/10/44.

Remembrancer of Legal Affairs.

U.R. to H.D. No.7320,

dated the 24th October 1944.